

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREGORY SMITH,

Plaintiff,

v.

Civil Action 2:21-cv-3898

Magistrate Judge Jolson

CITY OF NELSONVILLE OHIO, et al.,

Defendants,

ORDER

The Court granted the parties' Joint Motion to Stay the Case and ordered the parties to file joint status reports every ninety (90) days until the stay is lifted. (Doc. 12). The parties have failed to comply multiple times (*see* Docs. 16, 25) and missed yet another deadline. Given the age of this case and the parties' failure to file status reports every ninety (90) days as ordered (*see* Doc. 12), the Court **LIFTS** the stay and sets the following case schedule:

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed by **August 28, 2023**.

DISCOVERY PROCEDURES

All discovery shall be completed by **January 29, 2024**. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call-in number.

Any proposed protective order or clawback agreement shall be filed with the Court by **August 28, 2023**. A Word version of the proposed protective order should be sent to

jolson_chambers@ohsd.uscourts.gov, and any provision related to sealing must comply with S.D. Ohio Civ. R. 5.2.1.

DISPOSITIVE MOTIONS

Any dispositive motions shall be filed by **February 27, 2024**.

EXPERT TESTIMONY

Primary expert reports must be produced by **October 27, 2023**. Rebuttal expert reports must be produced by **November 30, 2023**. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

Plaintiff will make a settlement demand by **November 17, 2023**. Defendant will respond by **December 7, 2023**. The parties agree to make a good faith effort to settle this case. This matter is referred to a settlement conference in **January 2024**. The parties understand that this case will be referred to an attorney mediator for a settlement conference in the month following the settlement demand. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement order which requires *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

IT IS SO ORDERED.

Date: July 27, 2023

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE